THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27620 of 2005

Date:27.12.2005

S.Pulla Rao.

----------Petitioner

The Divisional Manger and others.

----------Respondents

ORDER:

The petitioner is employed as a Conductor in APSRTC. On 02.08.2004, when he was conducting the bus from Suryapet to Torrur, a check was exercised and it was found that the petitioner issued a ticket with denomination of Rs.13/- instead of Rs.14/-. He was issued a charge sheet, dated 13.08.2004. On a consideration of the explanation, an Enquiry Officer was appointed, who, in turn, submitted a report on 02.11.2004. The Depot Manager, 2nd respondent herein, passed an order, dated 23.11.2004, imposing the punishment of stoppage of two increments with cumulative effect and treating the period of suspension as 'not on duty'. Aggrieved by the order passed by the 2nd respondent, the petitioner preferred an appeal before the 1st respondent. The appeal was partly allowed by the 1st respondent through his order, dated 14.06.2005. The punishment was reduced to the one of stoppage of one increment with cumulative effect. The manner in which the period of suspension shall be treated, was kept intact. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The only allegation against the petitioner is that he collected a sum of Rs.20/- from a passenger at a stage and issued a ticket with denomination of Rs.13/- instead of Rs.14/-. The balance to be paid to the petitioner was endorsed on the reverse of the ticket. The lapse on the part of the petitioner was that he issued

a ticket with lesser denomination of Rs.1/-. The facts themselves disclose that there was absolutely no intention on the part of the petitioner to misappropriate the amount. The minor negligence, obviously due to rush of work in issuing a ticket of lesser denomination, that too of Rs.1/-, must not have resulted in such a severe punishment of stoppage of two increments with cumulative effect and treatment of the period of suspension as 'not on duty'.

A perusal of the order passed by the 1st respondent discloses that he virtually gave clean chit to the petitioner, after discussing the matter at length. However, he reduced the punishment only to the one of stoppage of one increment with cumulative effect.

The stoppage of increment with cumulative effect would have very severe and adverse effect on the pay structure of the petitioner for the rest of his service. For this purpose, there must exist necessary factual background. In the ultimate analysis, the loss suffered by the Corporation was only Rs.1/-. However, the monetory loss caused to the petitioner, on account of the punishment, runs to several thousands of rupees. Therefore, this Court is of the view that the hardship caused to the petitioner can be mitigated by treating the punishment as the one of stoppage of one increment without cumulative effect and denying the benefit of the deferential amount up to the date of this order.

Hence, the Writ Petition is partly allowed, directing that the order dated 23.11.2004, passed by the 2nd respondent shall be modified to the one of stoppage of one increment without cumulative effect. The direction as to the manner in which the period of suspension shall be treated, would remain as it is. There shall be no order as to costs.

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27.12.2005

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